

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

GARY ZAGAMI, derivatively on behalf of
CASSAVA SCIENCES, INC.,

Plaintiff,

v.

REMI BARBIER, ERIC J. SCHOEN,
JAMES W. KUPIEC, NADAV
FRIEDMANN, MICHAEL MARSMAN,
ROBERT Z. GUSSIN, MICHAEL J.
O'DONNELL, SANFORD R. ROBERTSON,
and PATRICK J. SCANNON,

Defendants,

and

CASSAVA SCIENCES, INC.

Nominal Defendant.

Case No. 1:21-cv-998-DAE

PATRICIA MATRANGA, Derivatively on
Behalf of CASSAVA SCIENCES, INC.,

Plaintiff,

v.

REMI BARBIER, ERIC J. SCHOEN,
JAMES W. KUPIEC, NADAV
FRIEDMANN, ROBERT Z. GUSSIN,
MICHAEL J. O'DONNELL,
SANFORD R. ROBERTSON, and
PATRICK J. SCANNON,

Individual Defendants,

-and-

CASSAVA SCIENCES, INC., a Delaware
Corporation,

Nominal Defendant.

Case No. 1:22-cv-28-DAE

BRIAN WALSH, derivatively on behalf of
CASSAVA SCIENCES, INC.,

Plaintiff,

v.

REMI BARBIER, ERIC J. SCHOEN, JAMES
W. KUPIEC, NADAV FRIEDMANN,
MICHAEL MARSMAN, ROBERT Z.
GUSSIN, MICHAEL J. O'DONNELL,
SANFORD R. ROBERTSON, and PATRICK
J. SCANNON,

Defendants,

and

CASSAVA SCIENCES, INC.,

Nominal Defendant.

Case No. 1:22-cv-53-DAE

**ORDER GRANTING AGREED MOTION CONSOLIDATING RELATED ACTIONS,
APPOINTING CO-LEAD COUNSEL FOR PLAINTIFFS, AND STAYING CASE**

This Court, having considered the Agreed Motion Consolidating Related Actions, Appointing Co-Lead Counsel for Plaintiffs, and Staying Case (Dkt. # 10) hereby **GRANTS** the motion and **ORDERS** the following:

1. Defendants accept service of the complaint in each of the Related Derivative Actions for Defendants, to the extent that service of such complaints has not already been agreed or effected.

2. The following actions are hereby **CONSOLIDATED** for all purposes, including pre-trial proceedings and trial, under Case No. 1:21-cv-998-DAE (the “Consolidated Action”):

Case Name

Case Number

Date Filed

Zagami v. Barbier, et al.

1:21-cv-998-DAE

November 4, 2021

Matranga v. Barbier, et al. 1:22-cv-28-DAE

January 11, 2022

Walsh v. Barbier, et al. 1:22-cv-53-DAE

January 19, 2022

3. Every pleading filed in the Consolidated Action, or in any separate action included herein, must bear the following caption:

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE CASSAVA SCIENCES, INC.
DERIVATIVE LITIGATION

Lead Case No. 1:21-cv-998-DAE

This Document Relates to:

ALL ACTIONS

4. All papers filed in connection with the Consolidated Action will be maintained in one file under Lead Case No. 1:21-cv-998-DAE.

5. Co-Lead Counsel for plaintiffs for the conduct of the Consolidated Action shall be:

THE BROWN LAW FIRM, P.C.

Timothy Brown
767 Third Avenue, Suite 2501
New York, NY 10017
Telephone: (516) 922-5427
Facsimile: (516) 344-6204
Email: tbrown@thebrownlawfirm.net

LEVI & KORSINSKY, LLP

Daniel Tepper
Correy A. Kamin
55 Broadway, 10th Floor
New York, NY 10006
Tel.: (212) 363-7500
Fax: (212) 363-7171
Email: dtepper@zlk.com
Email: ckamin@zlk.com

6. Plaintiffs' Co-Lead Counsel shall have the sole authority to speak for Plaintiffs in all matters regarding pre-trial procedure, trial, and settlement negotiations and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

7. Co-Lead Counsel will be responsible for coordinating all activities and appearances on behalf of Plaintiffs. No motion, request for discovery, or other pre-trial or trial proceedings will be initiated or filed by any Plaintiffs except through Co-Lead Counsel.

8. Defendants' counsel may rely upon all agreements made with Co-Lead Counsel, or other duly authorized representative of Co-Lead Counsel, and such agreements shall be binding on all plaintiffs in the Consolidated Action.

9. This Order shall apply to each related shareholder derivative action involving the same or substantially the same allegations, claims, and defendants, and arising out of the same, or substantially the same, transactions or events as the Consolidated Action, that is subsequently filed in, removed to, reassigned to, or transferred to this Court ("Potential Subsequent Related Derivative Actions"). When a shareholder derivative action that properly belongs as part of *In re Cassava Sciences, Inc. Derivative Litigation*, Lead Case No. 1:21-cv-998-DAE, is hereafter filed in this Court, removed to this Court, reassigned to this Court, or transferred to this Court from another court, this Court requests the assistance of counsel in calling to the attention of the Clerk of the Court the filing, removal, reassignment, or transfer of any case that might properly be consolidated as part of *In re Cassava Sciences, Inc. Derivative Litigation*, Lead Case No. 1:21-cv-998-DAE, and counsel are to assist in assuring that counsel in subsequent actions receive notice of this order. Unless otherwise ordered, the terms of all orders, rulings, and decisions in the Consolidated Action shall apply to Potential Subsequent Related Derivative Actions filed in this

Court, removed to this Court, reassigned to this Court, or transferred to this Court from another court.

10. All papers and documents previously filed and/or served in the Related Derivative Actions shall be deemed a part of the record in the Consolidated Action.

11. All proceedings in the Consolidated Action are STAYED until the resolution of the anticipated motion to dismiss in the Securities Actions, whereupon the stay shall automatically expire.

12. Cassava shall promptly notify Plaintiffs of any related stockholder derivative actions, demands for books and records under 8 Del. C. § 220 or litigation demands made upon Cassava's board of directors that concern the same or similar subject matter as the Consolidated Action.

13. In the event that (a) a related stockholder derivative action is filed in this district or any other; and (b) that action is not stayed for a period of equal or greater duration, Cassava shall promptly notify Plaintiffs thereof, and Plaintiffs may lift the stay by providing thirty (30) days' notice to Cassava's undersigned counsel via email.

14. Following the expiration or lifting of the stay, Cassava will not move to stay the Consolidated Action in deference to any other derivative action.

15. Within two (2) weeks of the expiration or lifting of the stay, the Parties will meet and confer to agree upon a schedule for proceedings in this action and file a stipulation regarding the same with the Court.

16. Plaintiffs may file an amended complaint during the pendency of the stay, but such filing will not affect the pendency of the stay, and Defendants will not be required to move, answer, plead, or otherwise respond to any complaint during the pendency of the stay of proceedings.

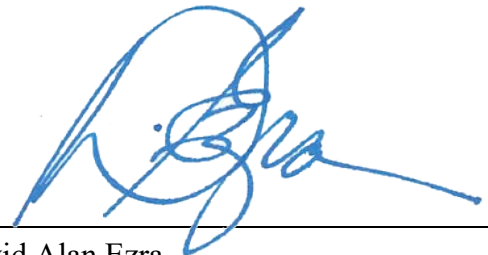
17. During the pendency of the stay, should Cassava produce documents in connection with a books and records demand under 8 Del. C. § 220 or another filed or threatened stockholder derivative action concerning the subject matter at issue in the Consolidated Action, Cassava shall also promptly make those documents available to Plaintiffs, subject to the execution of a mutually agreeable confidentiality agreement or protective order.

18. During the pendency of the stay, Cassava will include Plaintiffs in any mediation with the plaintiff(s) in the Securities Actions (or any filed or threatened derivative action concerning the same subject matter), except that if plaintiffs in the Securities Actions (or any filed or threatened derivative action) object to including Plaintiffs in such mediation, Cassava will mediate with Plaintiffs at or about the same time.

19. The Parties do not waive any rights or defenses not specifically addressed herein.

IT IS SO ORDERED.

DATED: Austin, Texas, July 5, 2022.

A handwritten signature in blue ink, appearing to read 'David Alan Ezra', is written over a horizontal line.

David Alan Ezra
Senior United States District Judge